

Message Text

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PAGE 01 STATE 003302

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ORIGIN L-03

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 ISO-00 DLOS-04

DODE-00 FEA-01 ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 OFA-01 COME-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

IO-11 JUSE-00 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 /142 R

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R 071514Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMEMBASSY WELLINGTON

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY BUENOS AIRES

AMEMBASSY OSLO

AMEMBASSY MOSCOW

AMEMBASSY PARIS

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AMEMBASSY NEW DELHI

AMEMBASSY ASUNCION

AMEMBASSY KUWAIT

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AMEMBASSY BERLIN

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PAGE 02 STATE 003302

AMEMBASSY PORT OF SPAIN

AMEMBASSY DACCA

C O N F I D E N T I A L STATE 003302

FOR INFORMATION ONLY

E.O. 11652:GDS

TAGS: PLOS

SUBJECT: EGENSEN GROUP MEETING ON THE CONTINENTAL SHELF
AND LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES

1. SECOND WEEK OF EVENSEN GROUP DISCUSSIONS, DECEMBER 8-12,
TOOK UP SUBJECTS OF CONTINENTAL SHELF, SPECIFICALLY
DETERMINATION OF OUTER BOUNDARY AND REVENUE SHARING; AND
OF RIGHTS OF LAND-LOCKED (LL) ANFGXEOGRAPHICALLY-
DISADVANTAGED STATES (GDS) IN ECONOMIC ZONES OF OTHER
COUNTRIES.

2. DISCUSSION OF CONTINENTAL SHELF FOCUSED ON AN
ARTICLE 62 PREPARED BY EVENSEN, WHICH INCLUDED A DEFINITION
OF THE CONTINENTAL MARGIN. TEXT AS FOLLOWS:

BEGIN TEXT. ARTICLE 62.

1. THE CONTINENTAL SHELF OF A COASTAL STATE COMPRISES THE
SEABED AND SUBSOIL OF THE SUBMARINE AREAS THAT EXTEND
BEYOND ITS TERRITORIAL SEA THROUGHOUT THE NATURAL
PROLONGATION OF ITS LAND TERRITORY TO THE OUTER EDGE OF THE
CONTINENTAL MARGIN, OR TO A DISTANCE OF 200 NAUTICAL MILES
FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL
SEA IS MEASURED WHERE THE OUTER EDGE OF THE CONTINENTAL

MARGIN DOES NOT EXTEND UP TO THAT DISTANCE. (THIS PARA-
GRAPH IS IDENTICAL WITH ARTICLE 62 IN THE PRESENT SINGLE
NEGOTIATING TEXT).

2. THE CONTINENTAL MARGIN COMPRISES THE SUBMERGED PRO-
LONGATION OF THE LAND MASS OF THE COASTAL STATE AND
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CONFIDENTIAL

PAGE 03 STATE 003302

INCLUDES ALL CONSOLIDATED ROCKS APPERTAINING TO THE SAID
LAND MASS, AS WELL AS THE OVERLYING SEDIMENTS OF THE
SHELF, SLOPE AND RISE, BUT DOES NOT INCLUDE THE ROCKS AND
UNCONSOLIDATED SEDIMENTS APPERTAINING TO THE DEEP OCEAN
FLOOR.

3. THE SEAWARD BOUNDARY OF THE CONTINENTAL SHELF BEYOND
200 NAUTICAL MILES SHALL BE DELINEATED IN ACCORDANCE WITH

THE PRINCIPLES SET OUT IN PARAGRAPHS 1 AND 2 ABOVE.

IN THE ABSENCE OF SATISFACTORY SCIENTIFIC EVIDENCE, WHICH MAY INCLUDE GEOLOGICAL AND GEOMORPHOLOGICAL EVIDENCE, THAT THE CONTINENTAL MARGIN EXTENDS TO A DIFFERENT LIMIT, THE COASTAL STATE SHALL DELINEATE SUCH BOUNDARY BY DRAWING STRAIGHT LINES CONNECTING FIXED POINTS WHICH ARE NOT MORE THAN 60 NAUTICAL MILES FROM THE FOOT OF THE CONTINENTAL SLOPE.

4. THE COASTAL STATE SHALL DELINEATE THE SEAWARD BOUNDARY OF ITS CONTINENTAL SHELF WHERE THAT SHELF EXTENDS BEYOND 200 MILES FROM THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED AND SHALL DESIGNATE THAT BOUNDARY BY STRAIGHT LINES NOT EXCEEDING 60 NAUTICAL MILES IN LENGTH, CONNECTING FIXED POINTS, SUCH POINTS TO BE DEFINED BY CO-ORDINATES OF LATITUDE AND LONGITUDE.

5. THE COASTAL STATE SHALL DEPOSIT WITH THE SECRETARY GENERAL OF THE UNITED NATIONS CHARTS AND RELEVANT INFORMATION, INCLUDING GEODETIC DATA, DESCRIBING THE OUTER LIMIT OF THE CONTINENTAL SHELF. THE SECRETARY GENERAL SHALL GIVE DUE PUBLICITY THERETO.

6. (POSSIBLE CLAUSE ON A DELIMITATION COMMISSION. AS THIS ASPECT HAS NOT PREVIOUSLY BEEN DISCUSSED IN DEPTH, NO SPECIFIC FORMULA IS SUGGESTED.) END TEXT.

3. DISCUSSION OF PARAGRAPH 2 OF EVENSEN DRAFT FOCUSED ON WHETHER REFERENCE TO 200 MILES SHOULD COME BEFORE REFERENCE TO CONTINENTAL MARGIN OR VICE VERSA. REGARDLESS OF FACT THAT LANGUAGE CAN BE WRITTEN SO THAT NO PRIORITY IS INTENDED, MANY STATES FELT THAT A GENERAL RULE AND AN

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PAGE 04 STATE 003302

EXCEPTION WERE BEING ESTABLISHED.

4. DISCUSSION OF EVENSEN PARAGRAPHS 2 AND 3 WAS INCONCLUSIVE WITH BROAD MARGIN STATES UNABLE TO MUSTER A UNITED FRONT. BROAD MARGIN SUPPORTERS COULD NOT AGREE AMONG THEMSELVES ON A DEFINITION OF THE CONTINENTAL MARGIN AND FAILED TO UNANIMOUSLY SUPPORT THE HEDBERG FORMULA CONTAINED IN EVENSEN PARAGRAPH 3 THAT WOULD PROVIDE A RULE OF THUMB THAT STATES COULD USE IF DESIRED TO ESTABLISH THE OUTER MARGIN LIMIT.

5. DISCUSSION OF EVENSEN PARAGRAPHS 4 AND 5 WAS RELATIVELY UNCONTROVERSIAL AND RESULTED ONLY MINOR SUGGESTIONS FOR CHANGE.

. DISCUSSION OF POSSIBLE DELIMITATION COMMISSION WAS HELPFUL AS A NUMBER OF STATES SET FORTH THEIR VIEWS IN SUPPORT OF A COMMISSION AND ONLY A FEW (EG. INDIA) QUESTIONED THE NEED OF A COMMISSION; INTERVENTIONS BY THE SOVIET UNION INDICATED THEY WERE SOFTENING ON THE IDEA OF A COMMISSION. THE PREVAILING VIEW SEEMED TO BE THAT MOST STATES SEE THE COMMISSION AS A VERIFYING BODY THAT WOULD CERTIFY COASTAL STATE CONTINENTAL SHELF JURISDICTION BEYOND 200 MILES AND ONCE CERTIFICATION IS GRANTED THAT BOUNDARY BECOMES BINDING ON ALL PARTIES. THE CHAIRMAN AGREED TO PREPARE A TEXT ON THE COMMISSION TO REFLECT THE VIEWS SET FORTH IN THE DISCUSSION.

7. FOLLOWING DISCUSSION OF ARTICLE 62, ATTENTION TURNED TO ARTICLE 69. THERE IS GENERAL RECOGNITION THAT ARTICLE 69 REFLECTS A COMPROMISE WHICH IN RETURN FOR RECOGNITION OF COASTAL STATE CLAIMS TO CONTINENTAL SHELVES BEYOND 200 MILES REQUIRES THEM TO SHARE REVENUE GENERATED FROM THAT AREA WITH THE INTERNATIONAL COMMUNITY. USG SET FORTH ITS VIEW (SEE REFTTEL ON SUBJECT). AUSTRALIA TOOK EXTREME BROAD-MARGIN POSITION, REJECTING CONCEPT OF REVENUE SHARING. ARGENTINA EXPRESSED DIFFICULTY WITH CONCEPT OF REVENUE SHARING, BUT INDICATED INTEREST IN LEARNING HOW IT WOULD WORK IN PRACTICE. THERE WAS SOME REACTION TO US PROPOSAL FOR REVENUE (INCOME) SHARING WITH UK AND NEW ZEALAND EXPRESSING PREFERENCE FOR PROFIT SHARING INSTEAD. CONFIDENTIAL

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PAGE 05 STATE 003302

8. LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED ISSUES WERE DISCUSSED FOR ONLY ONE HALF DAY WITH LITTLE NEW BEING SAID BY THE LANDLOCKED (PARAGUAY) AND GEOGRAPHICALLY DISADVANTAGED STATES (KUWAIT, GDR, DRG, SWEDEN, AND TRINIDAD AND TOBAGO) PRESENT, WITH DISCUSSION FOCUSING ON ARTICLES 57 AND 58 OF COMMITTEE II SINGLE NEGOTIATING TEXT. THE CHAIR NOTED THAT EVENSEN GROUP ITSELF WAS NOT AN ACCURATE REFLECTION OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES. SOME SPEAKERS DID NOTE THAT BEFORE

THEY COULD SUPPORT A LOS PROVISION ON GEOGRAPHICALLY DISADVANTAGED STATES THAT GROUP AND ITS RIGHTS WOULD HAVE TO BE CLEARLY DEFINED.

9. EVENSEN MEETING ENDED A DAY EARLY WHEN ALL STATES INDICATED THEY HAD NOTHING FURTHER TO ADD TO THE DISCUSSION. IT IS PERHAPS SIGNIFICANT THAT AFRICAN PARTICIPATION IN MEETINGS WAS MINIMUM, WITH SPARSE REPRESENTATION FROM LL/GDS GENERALLY.

10. FOR NEW DELHI: INTERVENTIONS BY DR. JAGOTA INDICATED

THAT GOI HAS SUBSTANTIAL AMBITIONS FOR THE BAY OF BENGAL.
HE TOOK POSITION THAT COASTAL STATE NEED NOT JUSTIFY ITS
CLAIM TO THE CONTINENTAL SHELF TO ANYONE; DID NOT SUPPORT
THE CONCEPT OF A COMMISSION; INDICATED THAT MARGIN SHOULD
BE DEFINED ON THE BASIS OF THE THICKNESS OF SEDIMENT;
AND REPEATEDLY SOUGHT INFORMATION FROM US DELEGATION CON-
CERNING CONTINENTAL SHELF OFF INDIA. U.S. DELEGATION
PROVIDED DR. JAGOTA WITH WHAT INFORMATION WE HAD THAT
COULD BE MADE AVAILABLE. KISSINGER

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